

FORM PTO-1390
(REV. 12-2001)

U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE

ASSIGNMENT'S DOCKET NUMBER

**TRANSMITTAL LETTER TO THE UNITED STATES
DESIGNATED/ELECTED OFFICE (DO/EO/US)
CONCERNING A FILING UNDER 35 U.S.C. 371**

205,510

U.S. APPLICATION NO. (If known, see 37 CFR 1.5

10/049317

INTERNATIONAL APPLICATION NO.
PCT/AU00/00948

INTERNATIONAL FILING DATE
09 August 2000 (9.08.00)

PRIORITY DATE CLAIMED
09 August 1999 (9.08.99)

TITLE OF INVENTION

APPLICANT(S) FOR DO/EO/US

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☒ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☒ This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.
4. ☒ The US has been elected by the expiration of 19 months from the priority date (Article 31).
5. ☒ A copy of the International Application as filed (35 U.S.C. 371(c)(2))
 - a. ☐ is attached hereto (required only if not communicated by the International Bureau).
 - b. ☐ has been communicated by the International Bureau.
 - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☐ An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).
 - a. ☐ is attached hereto.
 - b. ☐ has been previously submitted under 35 U.S.C. 154(d)(4).
7. ☒ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
 - a. ☐ are attached hereto (required only if not communicated by the International Bureau).
 - b. ☐ have been communicated by the International Bureau.
 - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
 - d. ☐ have not been made and will not be made.
8. ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371 (c)(3)).
9. ☒ An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
10. ☐ An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

Items 11 to 20 below concern document(s) or information included:

11. ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
12. ☒ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. ☐ A **FIRST** preliminary amendment.
14. ☐ A **SECOND** or **SUBSEQUENT** preliminary amendment.
15. ☐ A substitute specification.
16. ☐ A change of power of attorney and/or address letter.
17. ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 35 U.S.C. 1.821 - 1.825.
18. ☐ A second copy of the published international application under 35 U.S.C. 154(d)(4).
19. ☐ A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).
20. ☒ Other items or information:
 - (1) International Application published under PCT;
 - (2) International Search Report;
 - (3) Request to examine claims 1-28 as originally filed in PCT application.

U.S. APPLICATION NO. (if known, see 37 CFR 1.53) INTERNATIONAL APPLICATION NO.

107 04931 PCT/AU00/00948

ATTORNEY'S DOCKET NUMBER
205,51021. ☒ The following fees are submitted:**BASIC NATIONAL FEE (37 CFR 1.492 (a) (1)-(5)):**

Neither international preliminary examination fee (37 CFR 1.482)
nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO
and International Search Report not prepared by the EPO or JPO \$1040.00

International preliminary examination fee (37 CFR 1.482) not paid to
USPTO but International Search Report prepared by the EPO or JPO \$890.00

International preliminary examination fee (37 CFR 1.482) not paid to USPTO
but international search fee (37 CFR 1.445(a)(2)) paid to USPTO \$740.00

International preliminary examination fee (37 CFR 1.482) paid to USPTO
but all claims did not satisfy provisions of PCT Article 33(1)-(4) \$710.00

International preliminary examination fee (37 CFR 1.482) paid to USPTO
and all claims satisfied provisions of PCT Article 33(1)-(4) \$100.00

ENTER APPROPRIATE BASIC FEE AMOUNT =**CALCULATIONS PTO USE ONLY**

\$ 1,040.00

Surcharge of \$130.00 for furnishing the oath or declaration later than ☐ 20 ☐ 30
months from the earliest claimed priority date (37 CFR 1.492(e)).

| CLAIMS | NUMBER FILED | NUMBER EXTRA | RATE |
|---|--------------|--------------|-------------|
| Total claims | 28 - 20 = | 8 | x \$18.00 |
| Independent claims | 3 - 3 = | 0 | x \$84.00 |
| MULTIPLE DEPENDENT CLAIM(S) (if applicable) | | | + \$280.00 |
| TOTAL OF ABOVE CALCULATIONS = | | | \$ 1,184.00 |

☐ Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above
are reduced by 1/2. +

SUBTOTAL =

Processing fee of \$130.00 for furnishing the English translation later than ☐ 20 ☐ 30
months from the earliest claimed priority date (37 CFR 1.492(f)).

TOTAL NATIONAL FEE =

Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be
accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property +

TOTAL FEES ENCLOSED =Amount to be
refunded: \$

charged: \$

- a. ☒ A check in the amount of \$ 1,224.00 to cover the above fees is enclosed.
- b. ☐ Please charge my Deposit Account No. _____ in the amount of \$ _____ to cover the above fees.
A duplicate copy of this sheet is enclosed.
- c. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any
overpayment to Deposit Account No. 01-0035 A duplicate copy of this sheet is enclosed.
- d. ☐ Fees are to be charged to a credit card. **WARNING:** Information on this form may become public. **Credit card
information should not be included on this form.** Provide credit card information and authorization on PTO-2038.

NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR
1.137 (a) or (b)) must be filed and granted to restore the application to pending status.

SEND ALL CORRESPONDENCE TO:

Thomas E. Spath
ABELMAN FRAYNE & S
150 East 42nd Street
New York, NY 10017

"EXPRESS MAIL" Label No.: ET537596488US

Date of Deposit: February 8, 2002

This correspondence is being
Deposited with the United States
Postal Service "Express Mail Post
Office to Addressee" service under
37 CFR § 1.10 on the date indicated
above and addressed to:

Commissioner of Patents and
Trademarks, U.S. Patent and
Trademark Office.

Washington, D.C. 20231.

SIGNATURE

Thomas E. Spath

NAME

25,928

REGISTRATION NUMBER

10/049317

Rec'd PCT/PTO 08 FEB 2002

ABELMAN, FRAYNE & SCHWAB

Attorneys at Law

150 East 42nd Street
New York, NY 10017-5612Telephone: (212) 949-9022
Facsimile: (212) 949-9190Cable: LAWABEL New York
Telex: 661108 and 276592
Internet: e-mail@lawabel.comJay S. Cinamon
Anthony J. DiFilippi
Wayne J. Gu*
Anthony A. Coppola
Michael J. Schwab
Jennifer R. Waitman
Lori B. Cohen
Natasha J. Finlen
Stephen J. Quigley
Frank TerranellaDennis A. Mason
U.S. Patent Agent

*Member MD Bar Only

Lawrence E. Abelman
Jeffrey A. Schwab
Victor M. Tannenbaum
Peter J. Lynfield
Alan J. Hartnick
Caridad Piteiro Scordato
Michael Aschen
Julianne Abelman
Jonathan W. Gumpert
Marsha G. Ajhar
Julie B. Seyler
Marie Anne Mastrovito
Joseph J. CatanzaroOf Counsel:
Norman S. Beier
Alan D. Gilliland
Thomas E. Spath
Howard R. Jaeger
Richard L. Crisona

Gabriel M. Frayne (1929 - 2000)


February 8, 2002

Assistant Commissioner for Patents
Washington, D.C. 22202Re: National Phase Filing
PCT/AU00/00948
Request to Examine Original Claims
AFS: 205,510 (PCT)

Sir:

Applicant requests that the claims 1-28 as originally filed in the PCT application be examined. Applicant requests that the set of amended claims submitted April 27, 2001 during Chapter II proceeding be given no consideration at this time by the U.S. PTO and that the amended claim set be effectively canceled.

Respectfully submitted


Thomas E. Spath

10049317-020302